

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010 - 552

12 **ALBERTO MUNAR UBUNGEN**
3541 Brookridge Rd.
13 Duarte, CA 91010
14 **Registered Nurse License No. 465112**

A C C U S A T I O N

Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs.

21 2. On or about March 31, 1991, the Board issued Registered Nurse License Number
22 465112 to Alberto Munar Ubungen (Respondent). The Registered Nurse License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on June 30,
24 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

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1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.”

3 **COST RECOVERY PROVISION**

4 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **DRUGS DEFINITIONS**

9 10. **Methamphetamine**, a central nervous system stimulant, is a Schedule II
10 controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2),
11 and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

12 11. **Cardizem**, brand name for Diltiazem, is a dangerous drug pursuant to Business
13 and Professions Code section 4022 used for treating heart pain (angina), high blood pressure, and
14 abnormal heart rhythms.

15 **PATIENT R.C.**

16 12. On or about January 10 and 11, 2006, Respondent was employed as a registry nurse
17 in the Definitive Observation Unit at the Downey Regional Medical Center to provide care for
18 Patient R.C., a 68-year-old male who underwent his second hip surgery, and had a history of
19 hypertension and end- stage renal disease.

20 13. At 2000 hours on January 10, 2006, Respondent reported to duty and charted that
21 Patient R.C. was lethargic, but arousable, and responded to verbal stimuli. The telemetry monitor
22 showed sinus tachycardia at a rate of 150's with stable blood pressure. Vitals signs at this hour
23 were written but crossed out with the word "error".

24 14. At 2030 hours, Respondent charted that he notified the physician of Patient R.C.'s
25 sinus tachycardia at a rate of 150's. The physician's orders written at 2030 hours were:

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- "Cardizem 10mg IVP
- Start Cardizem drip @ 5mg/hr; titrate to 20mg/hr -- maintain HR¹<100 & SBP²>90
- EKG in the AM
- CK [with] MB Troponin in AM³"

15. The hospital policy effective at the time states the following pertinent protocol with regard to the administration of Cardizem:

- Establish baseline heart rate and blood pressure prior to initiation.
- Monitor EKG continuously. Monitor heart rate and blood pressure and titrate Cardizem according to the criteria established by the physician.
- HR and BP every 15 minutes for 2 hours, then hourly or per physician's order. Recheck after each infusion rate change.
- Notify physician if signs of hypotension and/or bradycardia occur. Record on 24-hour Flow Sheet heart rate, rhythm, and blood pressure response. Document on MAR Record.

16. At 2330 hours, Respondent charted that he administered Cardizem 10mg IVP which was followed by a Cardizem drip at 5mg/hr at 2340 hours. No baseline vital signs were documented on the graphic record at this time. At 2400 hours, the graphic vital signs show a respiratory rate at 38, pulse at 150, and blood pressure at 75/58. Cardizem drip was temporarily discontinued but no physician was notified of the drop in blood pressure. At 0115 hours on January 11, 2006, Patient R.C.'s heart rate started to trend down. Patient R.C. was pronounced dead at 0223 hours.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

17. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(1), in conjunction with California Code of Regulations, title 16, section 1442, in that Respondent was grossly negligent in his care of Patient R.C. Complainant refers to and incorporates all the allegations contained in paragraphs 12 -16, as though set forth fully, and as follows:

¹ Heart Rate

² Systolic Blood Pressure

³ This last item was not carried out as Patient R.C. expired before it was implemented.

- 1 a. Respondent failed to notify a physician of the drop in Patient R.C.'s blood
2 pressure at 2400 hours per hospital protocol and physician's orders.
3 b. Respondent failed monitor Patient R.C.'s vital signs every 15 minutes for the first
4 two hours per hospital protocol.
5 c. Respondent failed to document Patient R.C.'s vital signs per hospital protocol.
6 d. Respondent failed to establish baseline vital signs per hospital protocol.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Possession of Illegal Drugs)**

9 18. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
10 as defined under Code section 2762, subdivision (a) for illegal possession of Methamphetamine, a
11 controlled substance and dangerous drug. The circumstances are as follows:

- 12 a. On or about December 24, 2007, during a routine traffic stop, Respondent
13 admitted to police officers that he had drugs under the floor mat of his vehicle.
14 Police officers searched and found Methamphetamine.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 465112, issued to Alberto
19 Munar Ubungen;
20 2. Ordering Alberto Munar Ubungen to pay the Board of Registered Nursing the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3;
23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 4/26/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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